

PATENT
450100-03183REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 3, 5-9, 11-12, 14-18, and 20 are in the present application. It is submitted that these claims, are patentably distinct over the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Claims 1-2, 4, 10, 13, and 19 are canceled.

Claims 1-2 were rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Claims 1-2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyasaka et al. (U.S. Patent 5,991,503) in view of Mercier (U.S. Patent 6,865,747). Claims 1-2 have been canceled and therefore these rejections are moot.

Claims 3-7 and 12-16 were rejected under 35 U.S.C. § 102 as being anticipated by Miyasaka et al. (U.S. Patent 5,991,503). Claims 3-4, 6-8, 10-13, 15-17, and 19-20 were rejected under 35 U.S.C. § 102 as being anticipated by Yamamoto et al. (U.S. Patent 6,628,890). The present invention uses both a first marker packet and "a second marker packet which is sent just after said transport stream packet including said intraframe or intrafield encoded image."

PATENT
450100-03183

(Claims 3, 8, 12, and 17) As shown in Figure 5, the present invention places a code in the PID section of the packets before and after each I picture in the MPEG encoded transport stream. Hence, each I picture has a start (first) marker packet and an end (second) marker packet. Whereas, Miyasaka discloses writing an I picture index into the header of the I picture packets. (Column 9, lines 55-56; Column 10, lines 12-15) Thus, Miyasaka teaches an analogous first marker packet, but does not disclose an analogous second marker packet after the I picture packet as recited in the present claims. Similarly, Yamamoto discloses using a PES packet to indicate the start of an I picture packet, but does not disclose an analogous second marker packet after the I picture packet. (Figure 2) Accordingly, Miyasaka and Yamamoto fail to meet the second marker packet limitation of the present invention, and the rejected claims should now be allowed.

Claims 5 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyasaka et al. in view of Mercier. Claims 6-7 and 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyasaka et al. in view of Hirabayashi et al. (U.S. Patent 6,002,834). Claims 5, 9, 14 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto in view of Mercier. Mercier and Hirabayashi are relied upon solely to meet limitations in the dependent claims. Mercier and Hirabayashi, like Miyasaka and Yamamoto as discussed above, fail to meet the second marker packet limitation of the present invention, and the rejected claims should now be allowed.

PATENT
450100-03183

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are required, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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